

83-99-I

THE STATE OF NEW HAMPSHIRE

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THE ATTORNEY GENERAL

STATE HOUSE ANNEX

25 CAPITOL STREET

CONCORD, NEW HAMPSHIRE 03301-6297

ASSISTANT ATTORNEYS GENERAL
JOHN T. PAPPAS
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August 31, 1983

Mr. George Morse, Assistant Director
Office of Health Protection
Division of Public Health
Department of Health and Welfare
Hazen Drive
Concord, NH 03301

Dear Mr. Morse:

You have requested our opinion concerning the applicability of Chapter 138, Laws of 1983, which requires that any medical services provider who is to receive payment from a third party, furnish to the third party and the person receiving the services an itemized statement within 30 days of such service. Specifically, you have asked us to determine who is to be considered a "third party" for the purposes of this statute. It is our opinion that any entity, other than the medical services provider and the person receiving such services may be a third party under Chapter 138, Laws of 1983.

In interpreting terms in statutes enacted by the Legislature, where no other intent is manifested, we must construe the terms in accordance with their common and approved usage. RSA 21:2. "Third party", as such, is not defined for purposes of Chapter 138. A "third party" is defined generally as "any person other than the principals." Webster's Third New International Dictionary, 1969. The principal parties addressed in Chapter 138, Laws of 1983, are the provider and the recipient of the medical services. Any entity other than those principals which provides payment for those services is a third party for the purposes of this statute.

Legal Counsel (603) 271-3658
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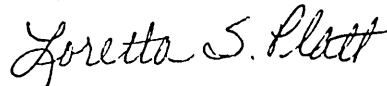


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I would note in closing the provision contained in Chapter 138, that a "nonitemized bill" may be rendered if it includes in large, easily readable print the following: "An itemized bill will be gladly submitted free of charge on request." Therefore, the concerns raised by providers that this requirement will result in an unnecessary duplication of auditing efforts when Medicare or Medicaid officials are the third party should be allayed.

I trust this is responsive to your inquiry. Should you have any additional questions, please feel free to contact me.

Very truly yours,



Loretta S. Platt
Assistant Attorney General
Division of Legal Counsel

LSP/gla

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